



Attorney Docket No. 46342/56000

1653
P#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Y. TOYODA et al. EXAMINER: Not Yet Known
SERIAL NO.: 09/869,098 GROUP: Not Yet Known
FILED: June 21, 2001
FOR: UCP-2 Promoter DNA and Use Thereof (formerly UCP-2 Promoter DNA)

TECH CENTER 1600/2900

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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, DC, 20231 on **October 2, 2002**.

Regina M. Edwards
Regina M. Edwards

Commissioner for Patents
Washington, D.C. 20231

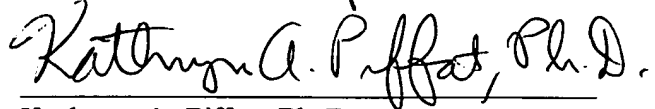
TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- 1) Information Disclosure Statement (4 pages);
- 2) Form PTO-1449;
- 3) Reference CA - Cortez-Pinto, Biochem Biophys Res Commun;
- 4) Reference CB - Yamada M. et al., FEBS Letters;
- 5) Reference CC - Bouillaud F., Database EMBL Online!;
- 6) Reference CD - Kelly LJ., Endocrinology;
- 7) Reference CE - Yubero P, Biochemical and Biophysical Research Communications;
- 8) Reference CF - Jazek P., International Journal of Biochemistry and Cell Biology.
- 9) This transmittal letter (x2); and
- 10) Return Postcard.

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Kathryn A. Piffat, Ph.D.

Reg. No.: 34,901

DBRC, Intellectual Property Practice
Group of

EDWARDS & ANGELL, LLP

P.O. Box 9169

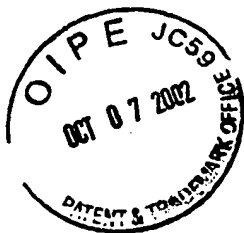
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Date: October 2, 2002

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By: Regina M. Edwards
Regina M. Edwards

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.97 and §1.98, Applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. **X** Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. Each of the patents, publications or other information listed on the attached PTO-1449 was previously cited by or submitted to the USPTO in connection with U.S.S.N.: 08/000,000, to which the subject application claims the benefit of the earlier filing date. As such, a copy of each is not included herewith pursuant to 37 C.F.R. § 1.97(d).

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. **X** Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- English translation for reference(s) .
- English abstract for reference(s).
- English translation of search report/ official communication.
- Copy of PCT/EPO Search Report.
- c. The following additional information is provided for the Examiner's consideration:
- A copy of EPO Search Report, dated _____.
- A copy of PCT Search Report.
- A copy of Official Communication from the _____ Patent Office.
- English translation of search report/ official communication.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. ____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. . § 1.17(p).
- or
- b. ____ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. X each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable

inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.


VII. FEE PAYMENT (check one)

- _____ Enclosed please find a check in the amount of \$180.00 for the above-indicated fee.
- _____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee.
- X_____ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

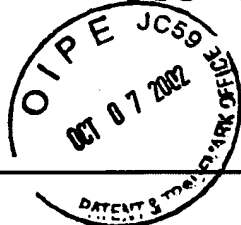
Date: October 2, 2002


Kathryn A. Piffat, Ph.D., (Reg No. 34,901)
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Boston, MA 02209

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TECH CENTER 1600/2900**Information Disclosure
Statement**

PTO - 1449



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Applicant(s): Y. Toyoda et al.

Filing Date

June 21, 2001

Art Unit

Not Yet Known

UNITED STATES PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Name	Class	File Date
	AA					

FOREIGN PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Country or Office	Class	Filing Date
	BA					

OTHER DOCUMENTS (INCL. TITLE, AUTHOR, DATE, PAGES, ETC)

Exam. Initials	Ref. No.	
	CA	Cortez-Pinto, H. et al., "Bacterial lipopolysaccharide induces uncoupling protein-2 expression in hepatocytes by a tumor necrosis factor-alpha-dependent mechanism." Biochem Biophys Res Commun. 1998 Oct 9; 251(1):313-9.
	CB	Yamada, M. et al., "Genomic organization and promoter function of the mouse uncoupling protein-2 (UCP2) gene." FEBS Lett., 1998 Jul 31; 432(1-2):65-9.
	CC	Bouillaud, F. et al., "Uncoupling protein-2, UCP2 gene clone hUCP2-g2", 24 November 1998, Database EMBL Online!, Database Accession No. AAV44599, Abstract of WO 9831396-A1.
	CD	Kelly, L.J. et al., "Peroxisome proliferator-activated receptors gamma and alpha mediate in vivo regulation of uncoupled protein (UCP-1, UCP-2, UCP-3) gene expression." Endocrinology 1998 December; 139(12): 4920-4927.
	CE	Yubero, P. et al., "Identification of tissue-specific protein binding domains in the 5'-proximal regulatory region of the rat mitochondrial brown fat uncoupling protein gene." Biochemical and Biophysical Research Communications, 1994; 204(2): 867-873.
	CF	Jezek, P. et al., "Mammalian mitochondrial uncoupling proteins.", International Journal of Biochemistry and Cell Biology, 1998 November; 30(11): 1163-1168.

Examiner:

Date:

BOS2_314617.1